

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARTIN GOLDSTEIN,

Plaintiff,

No. C 10-0163 JSW

v.

CITY OF SANTA ROSA and DOES 1-10,

Defendants.

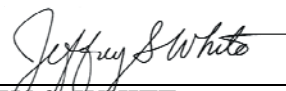
**ORDER RE MOTION TO  
DISMISS**

Now before the Court is the motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6) filed by Defendant City of Santa Rosa ("the City"). In response to the motion to dismiss, Plaintiff has filed both a substantive response to the motion as well as an amended complaint. The filing of an amended complaint moots the pending motion to dismiss. *See* Fed. R. Civ. P. 15(a)(1)(B).

Accordingly, the Court terminates the motion to dismiss filed by the City, vacates the hearing date of April 16, 2010, and accepts the proposed first amended complaint filed March 15, 2010. Defendants must file a responsive pleading, either an answer or a motion to dismiss, by no later than April 16, 2010.

**IT IS SO ORDERED.**

Dated: March 18, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MARTIN GOLDSTEIN,  
Plaintiff,

Case Number: CV10-00163 JSW

**CERTIFICATE OF SERVICE**

v.

SANTA ROSA CITY OF et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 18, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Martin Goldstein  
1051 A Yuba Drive  
Santa Rosa, CA 95407

Dated: March 18, 2010



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk